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SUBJECT: SRSG RUCKER AND COMKFOR KATHER WARN SECURITY COUNCIL OF FURTHER DELAY ON KOSOVO

¶11. (SBU) Summary: In a July 9 "informal dialogue" with the Security Council, COMKFOR General Roland Kather said that the security situation in Kosovo was under control and could be kept that way so long as the international community maintained momentum and there was a prospect for some kind of supervised independence within a clear time frame. Without this prospect, said Kather, there could be serious trouble and he stressed that the bottom line was that the situation was calm on the surface but unstable and unpredictable beneath it. He said the PISG and Unity Team were doing a good job working on an orderly transition process and maintaining calm, but warned that their credibility was not endless. Russia's Permrep Churkin accused Kather of presuming to pronounce on matters beyond his mandate and warned that Kosovar Albanians who had previously targeted Serbs with their "terrorism" might now focus on the international community and that KFOR should be tougher with them.

¶12. (SBU) Summary continued: UNMIK SRSG Joachim Rucker later told the Council members that UNMIK had achieved all that was achievable in the absence of clarity on status. Addressing internal stability in Kosovo, Rucker said Kosovars had been very patient, but were becoming anxious because they fear the status process is losing momentum. The SRSG warned that without clarity concerning status, UNMIK and PISG achievements would be in jeopardy. End summary.

COMKFOR's Kather: With Prospects For Supervised Independence Security Situation Can Remain Under Control

¶13. (SBU) In a briefing on July 9 that took place under the new format of a so-called "informal dialogue" with the Security Council, COMKFOR General Roland Kather briefed members on KFOR's assessment of the security situation in Kosovo. Kather stressed that the Provisional Institutions of Self Government (PISG) and Unity Team were under pressure to deliver independence and the security situation could become very fragile without movement in that direction. He noted that Prime Minister Ceku had told KFOR recently that a lack of progress on status issues could risk the PISG and Unity Team being swept away by other elements. NATO had been pushing in Kosovo a message that stressed moderation and reassuring Serb minorities that their place was in Kosovo.

¶14. (SBU) Kather said KFOR was focusing its daily mission on three key principles: 1) having clear intelligence and exchange of intelligence regarding the security situation 2) carrying out a "walk and talk" policy to keep security situation under close scrutiny 3) being even-handed and impartial. Kather stated that he had spoken with ethnic

Albanians recently tied with the Albanian Liberation Army and warned them that "if they did not keep the situation under control then KFOR would." Kather also said some Kosovo Serbs had told him recently that they hoped for a status decision soon and that they wanted to stay, but needed clarity.

15. (SBU) On broader security preparedness, Kather underscored that NATO had increased its operational readiness and strategic reserves in the context of lessons learned from 12004. KFOR currently assessed that the situation was still calm and so long as the international community maintained momentum and there was a prospect for some kind of supervised independence within a clear time frame, KFOR could keep the security situation under control. If not, he said, there would be serious trouble. KFOR was also continuing planning with the International Civilian Office (ICO) and the EU planning teams so as to have an orderly transition process (should the EU deploy the team envisioned in the Ahtisaari proposal). The bottom line was that the situation in Kosovo was currently calm on the surface, but also unstable and unpredictable, concluded Kather. He believes the PISG and Unity Team were doing a good job working on an orderly process and maintaining calm, but fears their ability to keep things under control might not be endless.

Interventions By Security Council Members To Kather

16. (SBU) Ambassador Khalilzad had strong praise for the approach of KFOR including its "walk and talk" strategy. The U.S. agreed that to maintain calm it would be necessary to move the status process forward and have clarity about their future for the people of Kosovo.

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17. (SBU) Russia's Permrep Churkin accused Kather of having gone beyond his mandate in terms of referring to "the wishes of some Security Council members for a decision on status." Russia was concerned by periodic threats that violence would occur in Kosovo if status were not decided by a specific date. Russia's view was that the forces placed in Kosovo should not allow instability to occur. Churkin claimed he had read recent comments in the press to the effect that some KLA veterans had said they might soon need to go back to being active soldiers. The KLA had used "terrorism" previously to fight against Serbs and could target the international community. He asserted that NATO should be more tough in its response.

18. (SBU) Speaking for the UK, Deputy Permrep Pierce asked whether there was any threat of Serbs in North Mitrovica trying to take Kosovo back by force. Also, if the Ahtisaari plan were not adopted, what would be the worst threat? Belgian's Ambassador pointed to Kather's comment that the situation on the ground could be kept under control as long as there were clear prospects and asked whether he believed the international community would be able to engage properly.

19. (SBU) Speaking in his national capacity, the Chinese Permrep Wang said that KFOR had played an important role, the status process was now at a critical stage, but the gap between the two sides was huge. He said, violence would not be helpful in bringing us to a solution and KFOR had a great responsibility to react to any threat.

Kather Responds To Interventions

10. (SBU) Speaking again to respond to questions, Kather said that he had clearly delivered a message to the head of the war veterans that any threats would be unacceptable. However, there was deep frustration regarding economic prospects and Kosovars had been waiting for status since 1999, so it was understandable that they needed to bark, but KFOR would keep them close to its chain. NATO was staying as prepared as possible, however, and he had told KFOR troops to

be ready to intervene anywhere within Kosovo within thirty minutes. In response to a question from Churkin on recent threats to the Russian office, Kather said that KFOR had had a full platoon ready, but there had been no available intelligence on any specific threat. Kather said he had also talked to NATO's SYG de Hoop Scheffer and told him KFOR needed to be ready to call for NATO reserves if necessary.

SRSG Rucker Briefs In Security Council Consultations On UNMIK Report

¶11. (SBU) In a briefing to the Security Council in the consultations format, SRSG Rucker stated that UNMIK had achieved all that was achievable in the absence of clarity on status. Pointing to Kai Eide's conclusions from 2005, Rucker said the status quo was simply not sustainable. Returns were a complex issue for a number of reasons so results had been mixed. However, a few significant success stories had been witnessed recently. Kosovars had been very patient, but were becoming anxious because they feared the status process was losing momentum. Without clarity concerning status, the security situation in Kosovo might become untenable because of radical elements on both sides. There might also be an unraveling of all of the progress that UNMIK had made in Kosovo. The people of Kosovo were adamant that upcoming elections should not impede the status process.

Interventions By Security Council Members To Rucker

¶12. (SBU) Russia's Churkin responded that he disagreed that prompt decision-taking regarding status was necessary. The simple problem remained that Kosovo Serbs did not feel safe, he claimed. On UNMIK's progress to date under 1244, there was a difference between what was achievable and what must be done, asserted Churkin. UNMIK is responsible for doing what must be done because what is "achievable" is subjective, he concluded. Churkin said witness protection remained a serious problem, claiming that three potential witnesses in the ongoing ICTY trial of Ramush Haradinaj had been killed. Churkin concluded that forcing a decision on status was wrong as the Serbs were against it, that UNSCR 1244 was not time-limited and that UNMIK had to stay.

¶13. (SBU) The UK's Ambassador Pierce asked Rucker whether

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there had been discussion of a referendum on independence on the ground? France's Permrep underscored that the Security Council must help Kosovo move beyond the status quo, which is not tenable. Italy's permrep argued that the EU should take a greater role in the region now. Despite UNMIK's good work, the path to reaching certain objectives has been long and the number of returnees was still low. He argued cryptically that "any action in Kosovo that undermines action in New York should be condemned." He also asserted that any new negotiations should be "real" ones. Slovakia's permrep stressed that the time had come to resolve status and argued that any solution should be through the Security Council. Belgium's permrep argued that the international community needed a clear process, with a roadmap, benchmarks, and a clear outcome.

¶14. (SBU) Ghana's permrep said status clarity is understandably important and that we must appreciate the need for a timely settlement taking into account regional stability. Indonesia stated that though the desire for a speedy resolution is understandable, hasty actions cause more violence than considered actions. There were many places in the world without their own status that have very successful economies because they invest in education, he claimed. He also asked how would UNMIK react if a unilateral declaration of independence were made by Kosovo?

¶15. (SBU) Ambassador Khalilzad expressed agreement that there had been significant progress on standards and also

that status clarity was needed for further progress. He asked Rucker what role Serbia had played in encouraging Serbs in Kosovo to participate in institution building and asked what reactions Kosovo Serbs had had to the Ahtisaari proposal.

¶16. (SBU) Qatar said that UNMIK, with the support of the EU, has played a crucial role in institutions and the economy, yet Kosovo's future still has not been resolved. Stable multiethnic relations were necessary for the future of Kosovo.

¶17. (SBU) Panama's permrep stated that it was obvious that there has been progress in Kosovo but that building a multiethnic society and facilitating the return of refugees had been difficult. It was unclear how more standards implementation would change anything within the larger political process. The Security Council should not make decisions on status, the Kosovars should make them. If Kosovo is a European problem, as the Europeans say, then the Europeans should put forward a proposal. Russians should perhaps put forward a proposal as well. Peru stated that the current lack of action by the council, if continued, could be the worst case scenario.

¶18. (SBU) China said standards implementation was a basic requirement of 1244 and there was still work that remained to be done, such as on refugees. China encouraged UNMIK to discuss with the EU what must be done and work on contingency plans. There was no consensus in the Security Council, but China claimed that all acknowledged that both sides needed to continue negotiations.

Rucker Offers Rebuttal

¶19. (SBU) Taking the floor again, Rucker clarified that regarding UNMIK's implementation of 1244, he had not said the mission was completely accomplished, but that, under the circumstances, UNMIK had achieved what was achievable without status clarity. There had been success with protecting witnesses who were often sent to neighboring countries. ICTY had never provided information on intimidation of witnesses involving Haradinaj's case. Rucker said there were increasing signals from Kosovo Serbs that they were greatly interested in the Ahtisaari proposal and other signals, such as the formation of a new political party, that at least some of them do not want to be influenced by Serbia. Kosovars are growing weary of both the UN presence and the PISG, which impacts their effectiveness as public anxiety worsens, said Rucker. If Kosovo issued a unilateral declaration, guidance from the UN would be sought.

Churkin Has Last Word

¶20. (SBU) Churkin took the floor again to rebut Rucker, claiming that 1244 did not say "achieve what is achievable",

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but rather "achieve what must be done." Churkin added that to say that in the event of a unilateral declaration guidance from the UN would be sought was invalid because UNSCR 1244 says that any unilateral declarations must be disregarded.
KHALILZAD